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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,717	03/17/2000	Dean Hahn-Carlson	USBA.004PA	3103

7590 04/09/2003

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8k

Office Action Summary

Application No.

09/527,717

Applicant(s)

HAHN-CARLSON, DEAN

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Response to Amendment

This is in response to an amendment file on January 24th, 2003 for letter for patent filed on March 17th, 2000. In the amendment, claims 2, 4, 6 and 7 have been amended. Claims 1-22 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1-13 and 16-22 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 4-28 of copending Application No. 09/310,711. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

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4. Claims 14 and 15 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 26 and 27 of copending Application No. 09/259,657. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginter et al (U.S. Patent No. 6,029,150).

3. As per claims 1, 3, 5, 9, and 13, Ginter et al teaches a transaction processing involving transaction information related to services provided by one of a plurality of vendors (*vendor*) and processed by one of a plurality of service providers (*provider 212*), a transaction validation system for auditing comprising (*see abstract, figs 1-3, 12, column 54, lines 16-50, 121 lines 1-65*) a central processor arrangement programmed and configured to maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor, and programmed and configured to process the transaction information by determining whether the transaction information satisfies the authorized profile list criterion, and using the authorized profile list criterion to generate information for auditing a

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transaction between the one of a plurality of vendors and the one of a plurality of service providers (*see figs 1-3, summary of the invention, column 282 lines 16-284 line 15*).

4. As per claims 2, 4, Ginter et al teaches a transaction system wherein the system further includes a means for generating a quotation coupled to the central processor arrangement (*see fig 1*).

5. As per claim 6, Ginter et al teaches a transaction system wherein the system further includes a means for processing transactions for each of the vendor and the subvendor, the processing transaction means coupled to the central processor arrangement (*see fig 1-3*).

6. As per claim 7, Ginter et al teaches a transaction system wherein the system further includes a means for processing transactions for each of the vendor and the service provider, the processing transaction means coupled to the central processor arrangement (*see abstract, figs 1-3, 12, column 54, lines 16-50, 121 lines 1-65*).

7. As per claims 8, 12, Ginter et al teaches a transaction system wherein the processing transaction means is accessible remotely (*see fig 1*).

8. As per claim 10, Ginter et al teaches a transaction further including sending service-related information from an external device and generating a set of transaction information therefrom (*see fig 1*).

9. As per claim 11, Ginter et al teaches a method for validating a service transaction further including informing the computer arrangement of provision of the service by the service providers, and using the computer arrangement to audit the service transaction and payment thereof in response to the transaction information and the authorized profile list criterion (*see figs 1-3, summary of the invention, column 282 lines 16-284 line 15*).

10. As per claims 14, 15, Ginter et al teaches a system/method for billing a vendor and subvendor, and paying a service provider and a subvendor for a completed service-related transaction (*see abstract, figs 1-3, 12, column 54, lines 16-50, 121 lines 1-65*) comprising means for receiving a set of transaction information including the cost of service from a central processor arrangement; and means for processing a credit account for the vendor, for verifying that the vendor has sufficient credit to fund the cost of service, for indicating when the account for the vendor should be debited, and for indicating when payment to the service provider and subvendor should be tendered, and for notifying a financial institution the cost of service (*see figs 1-3, summary of the invention, column 282 lines 16-284 line 15*).

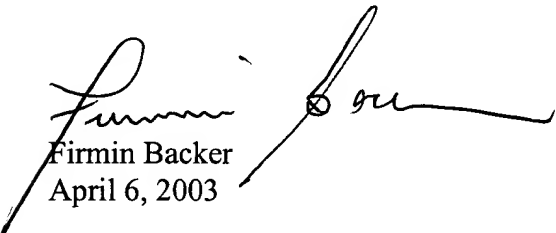
11. As per claims 16-22, they disclosed the same inventive concept as claims 1-15. Therefore, they are rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Firmin Backer
April 6, 2003